



ARIZONA BOARD OF OCCUPATIONAL THERAPY EXAMINERS

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Regular Session Minutes

January 11, 2008

Board Members Present: Kathryn Babits, OTR Chair
Geri DeWaard, OTR Vice-Chair
Rebecca Grabski, OTA Member
John Tutelman, Public Representative
Deborah Devine, Public Representative

Staff Present: Linda A. Wells, Executive Director
Vicki Egurrola, Administrative Assistant

Legal Representative: Elizabeth Campbell, Assistant Attorney General

Call to Order

The regularly scheduled meeting of the Arizona State Board of Occupational Therapy Examiners was called to order at 1:30 p.m., Chairperson Kathryn Babits, OTR presiding.

Approval of Minutes

Regular Session Minutes of December 14, 2007

Mr. Tutelman moved to approve the December 14, 2007 regular session meeting minutes with an amendment to correct a misspelled word on page 5. Ms. Grabski seconded. The motion passed 5-0.

Executive Session Minutes of December 14, 2007

Mr. Tutelman moved to approve the December 14, 2007 executive session meeting minutes. Ms. Grabski seconded. The motion passed 5-0.

Election of Officers

Ms. Babits nominated Geri DeWaard for Board Chair. Mr. Tutelman seconded. The motion passed 5-0. Ms. DeWaard was elected.

Ms. Babits nominated Rebecca Grabski for Board Vice-Chair. Mr. Tutelman seconded the nomination. The motion passed 5-0. Ms. Grabski was elected.

Initial Review of Complaints

07-135-B CODY J. DeGUZMAN, OTA

At a previous meeting, the Board moved to open a complaint against Cody J. DeGuzman, OTA following information received from Board staff that Mr. DeGuzman practiced as an occupational therapy assistant under a limited permit without the supervision of a licensed occupational therapist. Mr. DeGuzman also allowed his limited license to lapse, and practiced as an occupational therapy assistant without a current license.

Following discussion, Mr. Tutelman moved to offer Mr. DeGuzman a Consent Agreement for Decree of Censure based on a possible violation of A.R.S. §32-3401.9.f,h,i,l,n; §32-3421.A; R4-43-101.5.g,l,m and R4-43-404.A. Terms of the Order will include that Mr. DeGuzman be placed on probation for a period of one (1) year; Mr. DeGuzman shall obtain six (6) pre-approved continuing education hours in moral ethics which must be completed within six (6) months of the effective date of the Order, and he must seek termination of probation. Ms. DeWaard seconded. The motion passed 5-0.

Open Complaint Investigations

07-125-C KAREN M. WATERS, OTR

At a previous meeting, the Board tabled the complaint filed against Karen M. Waters, OTR, and moved to hold a 2nd informal meeting with her pursuant to A.R.S. §32-3442(C) based on a possible violation of A.R.S. §32-3401.

The complainant alleges inadequate record keeping, i.e. A billing audit was performed on February 1, 2007. During the time period between November 1, 2006 through January 29, 2007 discrepancies were found in client charts that indicate missing documentation that support services rendered.

Ms. Waters was present with her attorney, Michael J. Harper at the January meeting for the second informal meeting. Also present was Jeff Owen, Regional Supervisor at Physiotherapy Associates. Ms. Waters discussed her employment duties during the timeframe she worked for Physiotherapy Associates, and the circumstances surrounding the billing audit performed.

Following discussion, Mr. Tutelman moved to dismiss the complaint finding no apparent violation of the Arizona Revised Statutes governing the practice of occupational therapy. Ms. DeWaard seconded. The motion passed 5-0.

07-126-C MARY JO TODD, OTR

At a previous meeting, the Board tabled the complaint filed against Mary Jo Todd, OTR, and moved to hold an Informal Interview with her pursuant to A.R.S. §32-3442(C) based on a possible violation of A.R.S. §32-3401.9(h) and A.A.C. R4-43-101.5, 9(e).

The complainant alleges that Ms. Todd refused to perform an evaluation on her son, and failed to put the refusal in writing.

The complaint is tabled pending the Informal Interview scheduled to take place on March 14, 2008.

07-128-C PAMELA J. LIZOTTE, OTA

At a previous meeting, the Board tabled the complaint filed against Pamela J. Lizotte, OTA following an informal meeting with her, and moved to hold an informal interview pursuant to A.R. S. §32-3442(C) based on a possible violation of A.R.S. §32-3401.9(f),(i),(l), and A.A.C. R4-43-101.5(i)(m).

The complainant alleges that Ms. Lizotte altered the dates on her CPR card, and presented it as evidence of a valid and current document.

The complaint is tabled pending the Informal Interview scheduled to take place on March 14, 2008.

07-129-C BERNADETTE S. HARKINS, OTR

At a previous meeting, the Board tabled the complaint filed against Bernadette S. Harkins, OTR for further investigation, and moved to hold an informal meeting with her pursuant to A.R.S. §32-3442(C) based on a possible violation of A.R.S. §32-3401.

Ms. DeWaard recused herself from discussion of the complaint due to her working relationship with Ms. Harkins.

The complainant alleges that Ms. Harkins failed to document or maintain client treatment records, or failed to prepare client reports within 30 days of service or treatment.

The complaint is tabled pending the informal meeting which will be scheduled at a later date.

Probationary Status Reports

Shawn A. Keams, OTA

Shawn A. Keams, OTA is currently on probation for a violation of the Arizona Revised Statutes governing the practice of occupational therapy. Terms and conditions of probation are monitored monthly for compliance with a signed Consent Agreement.

The Board is in receipt of correspondence from Mr. Keams regarding his monthly attendance at AA meetings.

The Board found that Mr. Keams is in compliance with his reporting for the month of December, 2007.

Complaint No. I-05-105 Michelle Finet, OTR

Michelle Finet, OTR is currently on probation for a violation of the Arizona Revised Statutes governing the practice of occupational therapy. Terms and conditions of probation are monitored monthly for compliance with the Decree of Censure

It was reported that Ms. Finet has not completed the continuing education credits (CEU'S) to date, but has on or before termination of probation to complete the

requirements for completing six (6) CEU's on the subject of medical ethics; and three (3) CEU's on the subject of business management.

The Board is in receipt of a letter from Ms. Finet requesting pre-approval of courses in business, management, and ethics.

The Board requested a letter be sent to Ms. Finet informing her of the outcome of their review.

Complaint No. 07-119-C Esther M. Medley, OTA

Esther M. Medley, OTA is currently on probation for a violation of the Arizona Revised Statutes governing the practice of occupational therapy. Terms and conditions of probation are monitored monthly for compliance with the Decree of Censure and Probation.

Ms. Medley is in compliance with the term of seeking pre-approval of the ethics course, but has not provided proof of attendance. It was reported that Ms. Medley has on or before the termination of probation to complete the course.

Complaint No. 06-116-C Jenny Marcelee Padilla, OTA

Jenny M. Padilla, OTA is currently on probation for a violation of the Arizona Revised Statutes governing the practice of occupational therapy. Terms and conditions of probation are monitored monthly for compliance with the Decree of Censure and Order.

It was reported that Ms. Padilla's probationary term will expire on January 16, 2008, and that she has not completed the requirement for completing three (3) continuing education credits (CEU's) on the subject of substance abuse.

The Board is in receipt of a certificate of completion of two (2) CEU's on the subject of adult manifest anxiety scale. Following discussion, the Board requested a letter be sent to Ms. Padilla informing her that the course does not meet the criteria for the requirement. The letter will also inform Ms. Padilla that she will have an extended probationary timeframe, and a new timeframe for completion of the CEU requirement.

Ms. DeWaard moved to extend Ms. Padilla's probationary period until February 8, 2008. Ms. Babits seconded. The motion passed 5-0.

Substantive Review, Discussion, and Vote Re: The Applications For Licenses As Follows:

a. Initial Applications

Barbaraann F. Thomas, OTR

Barbaraann F. Thomas, OTR was present at the January meeting to hear the Board's discussion, and answer any questions they may have regarding her initial application for licensure. Ms. Thomas explained her reason as to why she did not disclose her reckless driving conviction on her application.

Following discussion, Mr. Tutelman moved to approve Ms. Thomas for regular licensure, and to issue a non-disciplinary Consent Agreement for a Letter of Concern. Ms. DeWaard seconded. The motion passed 5-0.

A letter of concern will be sent to Ms. Thomas stating the Board's concern regarding failure to disclose her reckless driving conviction on her initial licensure application.

Ms. DeWaard moved to approve all of the applicants listed on the January 2008 initial application for licensure list. Ms. Grabski seconded. The motion passed 5-0

b. Renewal of Licenses

Ms. DeWaard moved to approve all of the applicants listed on the January 2008 renewal licensure list. Ms. Devine seconded. The motion passed 5-0

Executive Director's Report

a. Revenue and Expenditure Report

The Board reviewed the November, 2007 Revenue and Expenditure Report

Other Board Business and Reports

a. Proposed Rule Making/Legislation

Ms. Wells informed the Board on the status of the Board's proposed legislation and rules.

b. Information regarding consolidation of health regulatory boards

Ms. Wells informed the Board that the governor is planning to propose legislation to consolidate most of the 90/10 regulatory Boards. Very little information is available, however updates will be forthcoming.

Review Meeting Schedule

The Board made no changes to the meeting schedule.

Adjournment

There being no further business before the Board, the meeting was adjourned at 3:15 p.m.

Respectfully submitted,

Linda A. Wells
Executive Director

